

## **REMARKS**

After entry of this response, claims 1, 4-20 remain pending in the present application. Claims 2 and 3 are currently canceled. Claims 1, 4, 6, 10, 19, and 20 are currently amended. Applicant respectfully requests reconsideration by the Examiner in light of the following remarks.

### **I. Finality of rejection**

The present Office Action mailed April 14, 2008 was indicated to be “Final.” This would appear to be in error and Applicant respectfully requests withdrawal of the Finality. In the previously issued Office Action (first Office Action), the only reference applied in the rejection was the Nelson reference. In the rejection, the Examiner asserted that Nelson—applied solely—disclosed the features of the present application. However, as highlighted in Applicant’s reply to the first Office Action and subsequently acknowledged by the Examiner in the present Office Action, Nelson among other things fails to teach the web services for performing a data exchange function.

Nevertheless, in addition to asserting (for the first time in the present Office Action) that the web services for performing a data exchange function are well known in the art, the Examiner has also applied (for the first time) the Stawikowski reference. Moreover, in Applicant’s previous response, the Claims were presented in their original non-amended form. Thus, the finality of the present Office Action appears to be contrary to the established MPEP practice. Therefore, because neither the Stawikowski reference nor the assertion that data exchange function is known in the art was raised in the first Office Action, Applicant respectfully requests the withdrawal of Finality of the present Office Action.

### **II. Rejection Under 35 USC §103 (The Nelson reference)**

The pending claims are rejected under under 35 USC 103(a) as being unpatentable over Nelson et al., (US 6,480,745, hereinafter “Nelson”), in view of

Stawikowski et al., (US 2002/0046239, hereinafter "Stawikowski"). Applicant respectfully traverses.

In the present application, web services are programmable application logic services that allow software to be invoked regardless of the operating system or programming language. These web services include a translation web service having an input method for receiving medical data in a first format and an output method for returning medical data to an invoking application in a second format as stated, for example, in Claim 1. Stawikowski, alone or in combination with the Nelson reference, fails to teach, suggest or imply a translation web service. In Stawikowski, a communication system based on a Simple Object Access Protocol (SOAP) is utilized for the purpose of enabling communication between one or more remote devices (30) and automation equipment (10). See abstract. The SOAP protocol is based on XML diagrams and provides vocabulary defining a communication request structure, content and syntax. See Para. [0005]. According to Stawikowski, communication between the remote device (30) and automation equipment (10) requires implementation of the SOAP protocol in the WEB applications (client/server) for data transmission. See Para. 0020, 0021, abstract. In short, the communication method disclosed in the Stawikowski reference does not contemplate nor teach or suggest a translation web service. Nelson fails to remedy the deficiency of the Stawikowski reference since, as the Examiner acknowledges, Nelson fails to teach the web services for performing a data exchange function. The web services of the present application, which include translation, provide interoperability between devices irrespective of the software implemented in each device. The translation services facilitate the exchange of data between devices having incompatible software by translating data received as input in one format to the requested device specific format. This interoperability facilitates effective local and remote data handling operations and communication between different data handling devices with non-compatible software.

Accordingly, Applicant respectfully requests withdrawal of the rejection of the pending claims.

Applicants: James D. Webb et al.  
Serial No. 10/821,499

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution.

Respectfully submitted,

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Date

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